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TIMOTHY B. FLEMING  
OF COUNSEL

December 2, 2021

The Honorable Sarah Netburn  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007-1312

Re: *In re: Terrorist Attacks on September 11, 2001*, 03-md-01570 (GBD)(SN)  
*Havlish, et al. v. bin Laden, et al.*, 1:03-cv-9848 (GBD)(FM)  
Response to the *O'Neill* Plaintiffs' letter in regard to U.S. Government's request  
for extension of time to file its Statement of Interest

Dear Magistrate Judge Netburn:

I write in response to *O'Neill* Plaintiffs' letter opposing the *Havlish* Plaintiffs' position that any additional time for the Government to file its Statement of Interest be limited to December 28, 2021.

Like the *Ashton* Plaintiffs, the *O'Neill* Plaintiffs do not have standing in this proceeding by the *Havlish* Plaintiffs to enforce their final money judgment against Taliban Assets at the Federal Reserve Bank of New York. Like the *Ashton* Plaintiffs, the *O'Neill* Plaintiffs do not have a judgment against the Taliban. Furthermore, like the *Ashton* Plaintiffs, the *O'Neill* Plaintiffs purport to speak for the Government and speculate about what the Government might be thinking and what it may or may not do even though the Government has appeared in this case and is speaking for itself.

For the same reasons it should disregard the *Ashton* Plaintiffs' suggestions, the Court should disregard the same suggestions and speculations advanced by these similarly situated non-parties who do not have judgments. If the *O'Neill* Plaintiffs ever do obtain final, enforceable judgments against the Taliban, the *Havlish* Plaintiffs will be prepared to address the priority of those claims at that time.

Respectfully,



Timothy B. Fleming  
*For the Havlish Judgment Holders*

cc: All Counsel of Record via ECF

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